

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

PSC Case 2022-99

In Re Matter of: ELECTRONIC SOUTHERN WATER AND SEWER  
DISTRICT FOR AN ALTERNATIVE RATE ADJUSTMENT

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MOTION FOR DEVIATION FROM  
NOTICE REQUIREMENT

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Comes Southern Water and Sewer District “Southern”, by and through counsel, and hereby requests PSC approval to deviate from the requirements of 807 KAR 5:001 Section 9(2)(b) and Ordering Numerical 3 of the PSC’s Order entered on August 22, 2022.

As the PSC is aware, 807 KAR 5:001, Section 9(2)(b) along with Ordering Numerical 3 of the PSC’s August 22, 2022 Order explain the method that Southern should use to provide the public notice of the PSC Hearing that is currently scheduled for November 9, 2022. The purpose of these provisions is to ensure that the general public and specifically Southern’s ratepayers and community are aware that a hearing will be conducted and that they may participate in said hearing either in person or online.

Southern’s attorney attempted to satisfy the notice requirements of 807 KAR 5:001 Section 9(2)(b) and Ordering Paragraph 3 of the PSC’s August 22, 2022 Order by contacting the Floyd County Chronicle on October 25, 2022 and requesting that they publish notice of the November 9, 2022 hearing in the November 2, 2022 edition of their newspaper. Undersigned counsel then received the attached “Advertising Notice” from the Floyd County Chronicle on October 26, 2022 that indicated that said notice would be published in the November 2, 2022 edition of the Floyd County Chronicle (See attached).

On November 2, 2022, it came to the attention of Southern’s Attorney that the

legal notice was not published in the November 2, 2022 edition of said newspaper. Mr. Bailey contacted the newspaper and was informed that they did not publish the notice because they are now requiring pre-payment for all legal notices and no longer would be sending bills/invoices to pay for said services.

Southern's attorney has attempted to cure this notice defect. Southern has paid the Floyd County Chronicle and has confirmed publication of the notice in said newspaper's website. This notice was published online on November 2, 2022 and will remain on said website until November 9, 2022. (See attached). The legal notice was also published on Southern's Facebook page and website on November 3, 2022. (See attached). Additionally, the notice has been posted to the front door of Southern's office since November 2, 2022 and will remain until after the November 9, 2022 hearing.

Although Southern has not technically satisfied the requirements of 807 KAR 5:001 Section 9(2)(b) and Ordering paragraph 3 of the PSC's August 22, 2022 Order, Southern feels as though the purpose of these provisions has been satisfied. Southern has attempted to provide its ratepayers and residents of its service area with notice of the November 9, 2022 hearing and respectfully requests PSC approval to deviate from the strict requirements of 807 KAR 5:001 Section 9(2)(b) and Ordering paragraph 3 of the PSC's August 22, 2022 Order.

**Wherefore**, Southern hereby requests PSC approval to deviate from 807 KAR 5:001 Section 9(2)(b) and Ordering Numerical 3 of the PSC's August 22, 2022 Order.

Respectfully Submitted Electronically on November 3, 2022,

/s/ Steven Bailey  
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